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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

Charles Baird and Lauren Slayton, as  
individuals, and on behalf of all others  
similarly situated, and on behalf of the  
BlackRock Retirement Savings Plan,

Plaintiffs,

v.

BlackRock Institutional Trust Company,  
N.A., et al.,

Defendants.

Case No: 4:17-cv-01892-HSG

**PLAINTIFFS' ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL**

Pursuant to N.D. Cal. Civil Local Rules 7-11 and 79-5(d) and (e), Plaintiffs Charles Baird and Lauren Slayton ("Plaintiffs") hereby move the Court to issue an administrative order that authorizes them to (1) seal portions of their Motion for Partial Summary Judgment and (2) seal certain exhibits attached to the Declaration of Michelle Yau, filed in support of Plaintiffs' Motion to for Partial Summary Judgment ("Yau Declaration"). These exhibits include documents produced by Defendants, deposition testimony of certain witnesses, and expert reports served by the parties in this case.

Plaintiffs seek to file portions of the Motion for Partial Summary Judgment under seal. Their brief extensively quotes, references, and discusses (i) documents produced to Plaintiffs by BlackRock

1 and Mercer during discovery and designated “CONFIDENTIAL” under the terms of the protective  
2 order entered by the Court on October 18, 2017 (Dkt. No. 76, hereinafter “Protective Order”); (ii) the  
3 expert reports of Eileen Kamerick and Russell Wermers, which BlackRock designated as “HIGHLY  
4 CONFIDENTIAL;” (iii) the deposition testimony of Jason Strofs and other witnesses, the contents of  
5 which BlackRock likewise designated as “CONFIDENTIAL;” and (iv) the expert reports of Dr.  
6 Steven Pomerantz and Marcia Wagner, which reference and concern the contents of aforementioned  
7 CONFIDENTIAL materials. An unredacted copy of the brief is being lodged concurrently with this  
8 Administrative Motion.

10 Plaintiffs further move the Court to seal Exhibits A-C; E-J; L-O; R-V; X; Z-BB; and DD-FF  
11 to the Yau Declaration, in their entirety. Each of the documents attached as exhibits A-C; E-H; L-O;  
12 R-V; Z-BB; and DD-FF was produced to Plaintiffs in discovery by BlackRock or Mercer, and each is  
13 designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” under the terms of the Protective  
14 Order. Exhibits I, J, and X are expert reports produced by Plaintiffs; these expert reports extensively  
15 cite, and wholly concern, the materials BlackRock designated as “CONFIDENTIAL” or “HIGHLY  
16 CONFIDENTIAL” under the terms of the Protective Order. Unredacted copies of each Exhibit are  
17 being lodged concurrently with this Motion.

19 Plaintiffs also move the Court to seal the excerpted deposition testimony of the following  
20 witnesses: Chip Castille, Kathleen Nedl, Jason Strofs, Joseph Feliciani, Steve Case, and Eileen  
21 Kamerick, included as Exhibits D, K, P, Q, CC, and GG the Yau Declaration. Counsel for BlackRock  
22 or Mercer has designated certain deposition testimony from these witnesses as “CONFIDENTIAL”  
23 under the terms of the Protective Order. An unredacted copy of each excerpted deposition transcript  
24 is being lodged concurrently with this Motion.

26 Finally, Plaintiffs move the Court to seal portions of the Expert Report of Dr. Steve Pomerantz  
27 PhD. This expert report discussed materials BlackRock designated as “CONFIDENTIAL” under the  
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1 terms of the Protective Order, and further discusses materials produced by Finadium, a non-party, that  
2 have been designed as "CONFIDENTIAL" under the terms of the Protective Order.

3 The basis for Plaintiffs' Administrative Motion is set forth in the Declaration of Daniel R.  
4 Sutter, submitted herewith. A proposed order granting Plaintiffs' Administrative Motion and  
5 authorizing the sealing of the documents is also submitted herewith.  
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7  
8 Respectfully submitted,

9 Dated: September 24, 2020

**COHEN MILSTEIN SELLERS & TOLL, PLLC**

10 By: /s/ Daniel R. Sutter

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